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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP AMENDMENT

In re Patent Application of

Tsutomu Yamazaki

Application No.: 09/942,171

Filing Date: August 30, 2001

Group Art Unit: 2627

Examiner: GREGORY M DESIRE

Confirmation No.: 6809

Title: IMAGE PROCESSING APPARATUS, IMAGE EDITING APPARATUS, IMAGE EDITING METHOD, AND IMAGE EDITING PROGRAM

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

A Petition for Extension of Time is also enclosed.
 Terminal Disclaimer(s) and the \$65.00 (2814) \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
 Also enclosed is/are _____

Small entity status is hereby claimed.
 Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the \$395.00 (2801) \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).
 Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
 Applicant(s) previously submitted _____

on _____, for which continued examination is requested.

Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
 A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

No additional claim fee is required.

An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims		MINUS =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims		MINUS =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					
\$ 0.00					

A check in the amount of _____ is enclosed for the fee due.

Charge _____ to Deposit Account No. 02-4800.

Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: February 2, 2006

By



William C. Rowland
Registration No. 30,888



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of

Tsutomu Yamazaki

Application No.: 09/942,171

Filed: August 30, 2001

For: IMAGE PROCESSING
APPARATUS, IMAGE EDITING
APPARATUS, IMAGE EDITING
METHOD, AND IMAGE EDITING
PROGRAM

) MAIL STOP AMENDMENT
) Group Art Unit: 2627
) Examiner: GREGORY M DESIRE
) Confirmation No.: 6809
)
)
)
)
)

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated November 2, 2005, reconsideration of the above-identified patent application is respectfully requested in view of the following remarks.

The Examiner, Mr. Desire, is thanked for the courtesy of the interview granted Applicant's representatives on January 24, 2006. At the interview, the nature of the claim elements in the rejected claims 6-11 was discussed. Specifically, it was discussed whether the claim elements of claims 6-11 were means plus function elements that should be examined in accordance with MPEP §2181-2186. At the interview, the Examiner agreed to reconsider the application and determine whether or not any of the elements in claims 6-11 were means plus function claim elements that should be examined in accordance with sections 2181-2186 of the Manual of Patent Examining Procedure.

Art Rejections:

Claims 6-11 have been rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,341,176, hereinafter *Shiraskaki*. At the interview, the Examiner acknowledged that only the introduction of each claim element was considered. For example, with regard to claim 6, the Examiner only considered the "receiving unit" and did not consider the functional language recited after it. Similar treatment was given to the extraction means and the conversion means. The Examiner acknowledged that the functional language after the means was not considered. During the interview, Applicant's attorney explained that the elements of claim 6, and in particular, the extraction means and the conversion means, were properly defined under 35 U.S.C. §112, paragraph 6, and were thus properly considered to be means plus function elements. Accordingly, in accordance with the first paragraph in section 2114 of the Manual of Patent Examining Procedure, the means plus function claim elements must be examined in accordance with sections 2181-2186 of the Manual of Patenting Examining Procedure. In accordance with these paragraphs, it is clear that the functional recitation of the claim elements must be considered. In addition, since the Examiner has acknowledged that such functional recitations were not considered, Applicant respectfully requests reconsideration of claims 6-11, with proper consideration given to the functional recitations therein.

Furthermore, Applicant submits that the cited reference *Shiraskaki* does not teach or suggest at least the extraction means and the conversion means of claim 6. Furthermore, with regard to claim 9, Applicant submits that the cited reference of *Shiraskaki* does not teach or suggest the cited combination, including the

recognizing means and the changing means, once those claim elements are properly considered.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejection. In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: February 2, 2006

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